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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,045	05/30/2000	Andrew Hausman	3524/14	9896

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EXAMINER
COLBERT, ELLA

ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		09/584,045	HAUSMAN, ANDREW
		Examiner	Art Unit
		Ella Colbert	3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 June 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *15-17,19,20 and 34-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) *15-17, 19, 20, and 34-37* are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 15-17, 19, 20, and 34-37 are pending. Claims 15-17, 19, 20, and 34-37

have been amended in this communication filed 6/28/07 entered as Response After

Non-Final Action.

2.   The Non-Final rejections of 8/21/06 and 4/16/07 are hereby withdrawn in view of

the rejection here below. After a careful review of the claims remaining in the

application a restriction has been found.

Election/Restrictions

3.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

    I.   Claim 15, drawn to System for trading forwards between parties and

            executing trades of matched forwards trading orders, classified in class

            705, subclass 37.

    II.   Claims 16, 17, and 36, drawn to a system and method for program

            instructions enable after execution of the trade a notification to the parties

            of the counterparty pair and the new trade between both the parties of the

            counterparty pair, classified in class 705, subclass 35.

    III.   Claims 19 and 35, drawn to a system and method for enabling the trading

            system to receive, process and store forwards orders and execute

            forwards trades including a forwards spread trade comprising a first leg

            forwards trade and a second leg forwards trade with a price spread of the

            spread trade, classified in class 705, subclass 36r.

IV.   Claims 20 and 37, drawn to a system and method for displaying selectable

forwards trading orders of the plurality of parties, providing a function,

selectable at user stations for a party to add a new forwards trading order

having pricing and size terms, and in response to selection of the function

at a user station of one party and selection of an existing forwards trading

order of another party displayed, classified in class 705, subclass 35.

V.   Claim 34, drawn to a method for a first counterparty of at least one

counterparty pair to sequentially select for execution by the trading system

a series of forwards trading orders of at least one second counterparty of

the counterparty pair, not executing a trade of any matched forwards

trading orders of the series until after all of the orders have been selected,

and after all of the series have been selected executing all trades of all

executable orders of the series, classified in class 705, subclass 39.

This application contains claims directed to the following patentably distinct

species I, II, III, IV, and V. The Species are independent or distinct because

Species I, claim 15 has program instructions for enabling a first counterparty of at

least one counterparty pair to sequentially select for execution by the trading

system, a series of forwards trading orders of a second counterparty of the one

counterparty pair, and program instructions further enabling the trading system to

execute any trade of forwards trading orders of the series until all orders in the

series have been selected. Species II, claims 16, 17, and 36 have executing a

trade of matched forwards trading orders of parties of a counterparty pair

comprising a buying party and a selling party, program instructions to enable

after execution of the trade notification to the parties of the counterparty pair and

the availability of a new forwards trade, and within a predetermined time after the

parties of the counterpart pair are provided with notification of the availability of

the new trade. Species III, claims 19 and 35 have the system automatically

generating from the stored forwards orders one of a forwards spread order

including a spread price representing a difference between prices of potential first

and second leg forwards trades and an order relating to one of the first and

second leg forwards trades and a forwards spread order and automatically

generating the order not being initiated by a party, displaying the automatically-

generated order, and in response to request entered by a party at a user station

to execute the automatically generated order and to execute the forwards spread

trade including executing among the party and two other parties the first leg

forwards trade at the first price and the second leg forwards trade at the second

price. Species IV, claims 20 and 37 has a system and method for displaying

selectable forwards trading orders of the plurality of parties, providing a function,

selectable at user stations for a party to add a new forwards trading order having

pricing and size terms, and in response to selection of the function at a user

station of one party and selection of an existing forwards trading order of another

party displayed. Species V, claim 34 has a method for a first counterparty of at

least one counterparty pair to sequentially select for execution by the trading

system a series of forwards trading orders of at least one second counterparty of

the counterparty pair, <u>not executing a trade of any matched forwards trading</u>

<u>orders of the series until after all of the orders have been selected, and after all of</u>

<u>the series have been selected executing all trades of all executable orders of the</u>

<u>series.</u>

Applicant is required under 35 USC 121 to elect a single disclosed species

for prosecution on the merits to which the claims shall be restricted if no generic

claim is finally held to be allowable. Currently there are no claims that are

generic or allowable.

Applicant is advised that a reply to this requirement must include an

identification of the species elected consonant with this requirement, and a

listing of all claims readable thereon, including any claims subsequently

added. An argument that a claim is allowable or that all claims are generic

is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to

consideration of claims to additional species which depend from or

otherwise require all the limitations of an allowable generic claim as

provided by 37 CFR 1.141. If claims are added after the election,

applicant must indicate which are readable upon the elected species.

MPEP 809.02 (a).

Because these inventions are independent or distinct for the reasons given

above and there would be a serious burden on the examiner if restriction is not required

because the inventions have acquired a separate status in the art in view of their

different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given

above and there would be a serious burden on the examiner if restriction is not required

because the inventions require a different field of search (see MPEP § 808.02),

restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an

election of the species to be examined even though the requirement be traversed (37

CFR 1.143).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

The examiner can normally be reached on Monday, Wednesday, and Thursday,

5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on 571-272-6712. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 26, 2007

ELLA COLBERT
PRIMARY EXAMINER